

ARTICLE V  
GENERAL PROVISIONS

SECTION-5.1 Provisions of Other Ordinances is hereby repealed.

SECTION-5.2 APPLICATION OF REGULATIONS

Except as herein otherwise provided:

- A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used, or intended to be used for any purpose or in any manner other than as specified among the uses hereinafter listed as permitted in the zone in which such building or land is located.
- B. No building shall be erected, no existing buildings shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, and building location regulations hereinafter designated for the zone in which such building or open space is located. Except that existing non-conforming front porches that are less than forty (40) square feet in size can be covered with a roof, but not enclosed.
- C. No off-street parking area, loading or unloading area provided to meet the minimum off-street parking, loading or unloading requirements for one use or structure, shall be considered as providing off-street parking, loading, unloading area for a use or structure on any other lot, unless specifically permitted elsewhere in this Chapter.
- D. No subdivision may be approved unless each lot contained in said subdivision complies with all the requirements of the zone in which said lot is located, or unless a variance has been granted therefrom.
- E. No use shall be considered a permitted use or a conditional use in a zone district unless included as such in the particular zone district.

SECTION-5.3 FRONTAGE ON IMPROVED STREET

- A. Every principal building shall be built upon a lot with frontage upon a public street improved to meet the Borough requirements or for which such improvement has been guaranteed by the posting of a performance guarantee pursuant to this Chapter unless relief has been granted under the provisions of N.J.S.A. 40:55D-36.
- B. Where a building lot has frontage on a street, which the Master Plan or the Official Map of the Borough indicates is proposed for right-of-way widening, the required front yard setback shall be measured from such proposed right-of-way line.

#### SECTION-5.4 YARD AREAS:

- A. No yard or other open space provided around any building for the purpose of complying with the provisions of this Chapter, shall be considered as providing a yard or open space for any other buildings, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.
- B. All yards facing on a public street shall be considered front yards and shall conform to the minimum front yard requirements for the zone in which located, except as otherwise provided in this Chapter.
- C. Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projections allowed by the State Uniform Construction Code including, but not limited to, sills, belt courses, chimneys, flues, buttresses, ornamental features, and eaves, provided, however, that none of the aforesaid projections shall project into the minimum required yards more than twenty-four (24) inches, unless otherwise permitted by this Chapter. Unroofed entrance porches or terraces which do not rise above the height of the floor level of the ground floor, may extend into any yard providing the total area of all such porches, which extend into such yards, does not exceed one thousand (1,000) square feet.

#### SECTION-5.5 CORNER LOTS

- A. On all corner lots, the depth of all yards abutting on streets, shall not be less than the minimum front yard depth required on all adjoining interior lots fronting on such street.
- B. Where the corner lot abuts interior lots located in an adjoining zone having lesser front setback requirements, buildings may assume the minimum front setback dimension of the adjoining zone only if the adjoining zone is immediately adjacent and contiguous to the property and the proposed building is to be situated within one hundred (100) feet of said adjacent zone.
- C. Lot lines of corner lots, that are coexistent with side lines of abutting lots, shall be considered side lines.
- D. Lot lines of corner lots, that are coexistent with rear lines of adjoining lots, shall be considered rear lines.
- E. Lot lines of corner lots, that are coexistent with lot lines of adjoining corner lots, shall be considered side lines.

## SECTION-5.6 SIGHT TRIANGLE AT INTERSECTIONS

Unless more stringent regulations are provided by other provisions of this Chapter, at the intersection of two or more local streets, no hedge, fence, screening strip or wall higher than thirty (30") inches above curb level, nor any obstruction to vision, other than a post not exceeding one foot in diameter, shall be permitted on any lot within the triangular area formed by two intersecting street lines bounding said lot, or the projection of such lines, and by a line connecting a point, on each street line located twenty-five (25') feet from the intersection of the street lines.

## SECTION-5.7 ACCESSORY STRUCTURES

Unless otherwise specified in this Chapter, accessory structures shall conform to the following regulations as to their locations on the lot.

- A. An accessory structure attached to a principal structure shall comply in all respects with the yard requirements of this Chapter for the principal structure. Detached accessory buildings shall be located in other than a front yard, and if located in a side or rear yard area shall be setback as provided in Article 10 of the ordinance from all lot lines, except that one storage shed containing one hundred (100) square feet or less of floor area and not more than 12 feet in height measured from the existing finished grade may be located not less than eight feet (8') from any side or rear lot line.
- B. Accessory structures shall not exceed sixteen feet (16') in height.
- C. Accessory Structures shall not exceed one hundred and fifty (150) square feet in size, except free standing garages, which may not exceed six hundred (600) square feet in size.
- D. A detached accessory structure, in any residential zone, shall be at least five feet (5') from the principal structure and any other accessory structure.
- E. No accessory building shall be used for residence purposes.
- F. Air conditioners and condenser units shall be allowed 3 feet of the principal structure and at least fifteen (15) from the property line, except that the distance to the property can be reduced to as little as eight (8) feet if a sound absorption/reduction system to determine noise levels is installed.

## SECTION 5.8 NUMBER OF PRINCIPAL BUILDINGS

Any lot utilized for single family detached dwelling purposes shall not contain more than one (1) principal building.

## SECTION-5.9 PRESERVATION OF NATURAL FEATURES

Wherever feasible all of the following shall be preserved in its natural state:

- A. Floodway areas.
- B. Areas containing a significant number of specimen trees determined by the Environmental Commission.
- C. Existing water courses, ponds, marshes and swamps.
- D. Wetlands as defined by the New Jersey Wetlands Act of 1970 and delineated on wetlands maps prepared by the New Jersey Department of Environmental Protection.
- E. Wetlands as defined in Chapter 19 of the Revised General Ordinances of the Borough of Little Silver.

## SECTION-5.10 RIPARIAN GRANTS

Whenever a person acquires title to the land under water adjacent to his property by virtue of a riparian grant from the State of New Jersey, then the grant area shall automatically be zoned the same as the upland property adjacent to the grant, provided, however, that any part of this grant not filled, graded and stabilized pursuant to a valid construction permit, shall not be applicable to meeting the minimum lot area for the governing zone.

## SECTION-5.11 EASEMENTS

Where applicable, the Planning Board shall require as a condition of site plan approval, that the owner convey to the Borough, drainage easements, conservation easements, sight easements and/or shade tree and utility easements which may be required.

## SECTION-5.12 SOLID WASTE STORAGE FOR SINGLE FAMILY DWELLING

Solid wastes from single family dwelling when outdoors, shall be placed in metal or plastic receptacles with tight fitting covers. Such receptacles shall not be stored or placed within any front yard area prior to the time at which solid wastes are permitted to be placed at the curb lines for collection. Such receptacles may be stored in either the rear or side yard areas, but if stored within a side yard area, they shall be screened from view of adjoining properties and street areas with planting or fencing.

## SECTION-5.13 SOLID WASTE DISPOSAL

The dumping of refuse, waste material or other substances is prohibited in all districts within the Borough.

#### SECTION-5.14 OUTDOOR STORAGE OF MATERIALS

Outdoor storage of materials shall be prohibited in any District within the Borough except for the following conditions:

- A. Construction of a permanent storage structure to be erected on the premises with a building permit and any Planning Board approvals that may be required.
- B. Use of a temporary/portable storage structure can be located in the driveway or sideyard of the premises for a maximum of ninety (90) days upon the issuance of a permit from the Borough Zoning Officer. The maximum size of a temporary/portable structure shall be eight feet (8') in height, ten feet (10') in width and twenty feet (20') in length.

#### SECTION-5.15 OUTDOOR DISPLAY OF GOODS

- A. Retail and/or wholesale business uses shall not display goods for sale, including motor vehicles, outdoors except in accordance with a site plan approved by the Planning Board.
- B. Such outdoor displays shall only be permitted where the goods displayed are the merchandise of a business enclosed within a structure located on the site, unless in accordance with a permit or other approval issued therefore by the Borough Council. Uses such as flea markets where two or more concessionaires, proprietors or businesses display goods for sale out of doors shall not be permitted in any zone within the Borough.
- C. Coin-operated vending machines shall not be located further than two feet (2') from a related business structure.
- D. Goods-for sale, displayed or stored outdoors, shall not be located closer than twenty-five feet (25') to any street right-of-way or fifteen feet (15') to any side or rear line, except in conjunction with temporary sidewalk or other types of outdoor sales.

#### SECTION-5.16 APPEARANCE OF NON-RESIDENTIAL BUILDINGS

The exterior elevations shall be arranged and outer walls of non-residential buildings shall be faced with materials approved by the Planning Board in conjunction with site plan approval. The architecture of all buildings shall be compatible with structures on adjacent lands and in the neighborhood.

#### SECTION-5.17 STORAGE OF BOATS AND TRAVEL TRAILERS

The outdoor storage of an unoccupied recreational vehicle, motor homes, travel trailer, camper or small boat shall be permitted on single family properties provided that:

- A. Such storage shall not be located in any front yard.
- B. Only one such travel trailer, recreational vehicle, camper, boat, motor home or camper shall be permitted to be stored outdoors at any single family residence.

- C. Any such vehicles stored in accordance with this Section shall not be occupied and shall not be provided with utility connections. Any such vehicle shall not be stored outdoors for more than 180 days.

**SECTION-5.18 STORAGE OF COMMERCIAL VEHICLES**

- A. No commercial motor vehicle or trailer having a rated maximum gross vehicle weight (GVW) in excess of 12,000 pounds or having more than two (2) axles, shall be parked or stored overnight on any occupied property which is primarily used for residential purposes or on any vacant property in a residentially zoned area, except for vehicles engaged in construction, parked or stored on an active construction site.
- B. Not more than one (1) motor vehicle with commercial motor vehicle registration, having a rated maximum gross vehicle weight (GVW) of 12,000 pounds or less shall be parked or stored overnight on any occupied property which is primarily used for residential purposes or on any vacant property in a residentially zoned area, except for vehicles engaged in construction, parked or stored on an active construction site. This provision shall not apply to passenger automobiles with commercial motor vehicle registration.
- C. No commercial vehicle having advertising in excess of three (3) square feet per each side of the vehicle shall be parked or stored overnight on any occupied property which is primarily used for residential purposes or on any vacant property in a residentially zoned area, except for vehicles engaged in construction, parked or stored on an active construction site.

**SECTION-5.19 TIDAL WETLANDS PERMIT**

No building, structure or use shall be permitted within areas defined as wetlands by the New Jersey Wetlands Act of 1970 and delineated on the wetlands maps prepared by the New Jersey Department of Environmental Protection, except in accordance with a permit issued under the Act.

**SECTION-5.20 MUNICIPAL WETLANDS PERMIT**

No building, structure or use shall be permitted within areas defined as wetlands in Chapter 19 of the revised General Ordinance of the Borough of Little Silver, except in accordance with a permit issued under that Chapter.

**SECTION-5.21 RADIO AND TELEVISION ANTENNAS**

- A. The provisions of this section shall apply to all radio and television antennas, including dish antennas for satellite television reception, herein referred to as dish antennas.
- B. A free-standing antenna shall be a permitted accessory use in all zones, provided that the lot on which it is located contains a principal structure.

C. Free-standing antennas shall not be placed in the front yard, and shall meet side and rear yard set-back standards for an accessory building for the zone in which the antenna is located.

D. Procedure: Any property owner shall, prior to the placement of a free-standing antenna not attached to a building, submit to the Construction Code Official, a plan showing the size of the antenna, the proposed location of same on the subject premises, and any other information as may be required herein.

E. Plan Details: The plan shall be drawn on a map to a scale not smaller than one inch equals forty (40) feet and not larger than one inch equals ten (10) feet and include and show the following information:

1. The name and address of the applicant and the name and address of the property owner; the name, address and title of the person preparing the plan; the date of preparation and the dates of each plan revision.
2. An appropriate place for the signature of the Construction Code Official.
3. The lot and block number(s) from the Borough Tax Map; the length and bearings of the lot liens; and the location of the proposed project.
4. All existing buildings and structures and all accessory buildings and structures on the lot and the location and set-back dimensions of the proposed antenna.
5. Existing and proposed screening.
6. Any and all other information necessary to meet any other requirements of this Ordinance not listed above.

F. Regulations:

1. Dish antennas shall be free standing ground-mounted only.
2. Power control and signal cables from a dish antenna to the served structure shall be buried underground and installed in accordance with the appropriate electrical and building codes.
3. Antennas shall be screened to minimize visibility from the street and adjacent properties.

G. Design Standards:

1. The diameter of a dish antenna shall not exceed twelve (12) feet.
2. A dish antenna shall be erected on a secure ground-mounted foundation in accordance with appropriate building codes.

3. The overall height from the ground level to the highest point of a dish antenna, including support structures, shall not exceed twelve (12) feet.
4. Free-standing antennas over twenty feet (20') in height or antennas extending twenty feet (20') above the point of attachment to a building shall be built to withstand winds of sixty (60) miles per hour.

#### SECTION-5.22 FLOODPLAIN MANAGEMENT

All development within the Borough shall conform to the regulations of Chapter 22 (Flood Damage Prevention) of the revised General Ordinances of the Borough of Little Silver.

#### SECTION-5.23 PERFORMANCE STANDARDS

As a condition of approval and the continuance of any use, occupancy of any structure, and operation of any process or equipment, the applicant shall supply evidence, satisfactory to the Planning Board or its designated representative, that the proposed use, structure, process, or equipment will conform fully with all of the applicable performance standards. As evidence of compliance, the Board may require certification of tests by appropriate government agencies or by recognized testing laboratories, any costs thereof to be borne by the applicant. The Planning Board may require that specific types of equipment, machinery or devices be installed, or that specific operating procedures or methods be followed if the government agencies or testing laboratories examine the proposed operating, shall determine that the use of such specific types of machinery, equipment, devices, procedures or methods are required in order to assure compliance with the applicable performance standards. Permits and certificates required by other government agencies shall be submitted to the Planning Board as proof of compliance with applicable codes.

The Planning Board and/or Governing Body may require that instruments and/or other devices, or professional reports or laboratory analysis be used to determine compliance with the following performance standards for an existing or proposed use and the cost thereof shall be borne by the owner, applicant or specific use in question.

- A. **Conditional Permit:** In the event a determination cannot be made at the time of application that a proposed use, process or piece of equipment will meet the standards established in this section, the Planning Board may issue or may recommend issuance of a conditional permit. The conditional permit would be based on submission of evidence that the proposed use, process or equipment will meet the standards established herein after completion or installation and operation. Within thirty (30) days after a conditional permit is granted, a certificate of occupancy shall be applied for and satisfactory evidence submitted that all standards established by this Section have been met.
- B. **Noise;** Any noise produced on the premises shall not be in excess of the standards listed below when measured at any property line of the lot on which the use is located:

FREQUENCY BASE CYCLES PER SECOND	SOUND PRESSURE LEVEL Decibels re 0.0002 dyne/cm <sup>2</sup>
20 -75	69
75 -150	54
150 -300	47
300 -600	41
600 -1,200	37
1,200 -2,400	34
2,400 -4,800	31
4,800 -10,000	28

If the noise is not smooth and continuous, but is of an impulsive or periodic character, the decibel levels indicated above shall be reduced by fifteen (15) percent.

C. Air Pollution: No substance shall be emitted into the atmosphere in quantities, which are injurious to human, plant or animal life or to property, or which will interfere unreasonably with the comfortable enjoyment of life and property anywhere in the Borough. All provisions of the New Jersey Air Pollution Control Code, as amended and as augmented and all the following provisions stated whichever shall be more stringent, shall be complied with.

1. Smoke: In any non-residential zone, no smoke, the shade or appearance of which is darker than No. 1 of the Ringelmann Smoke Chart, shall be emitted into the open air from any fuel burning equipment, provided, however, that smoke emitted during the cleaning of a fire box or the building of a new fire, the shade or appearance of which is not darker than No. 2 of the Ringelmann Smoke Chart, maybe permitted for a period or periods aggregating no more than three (3) minutes in any thirty (30) consecutive minutes.
2. Solid Particles:
  - a. In any residential zone, no discharge of solid particles through a stack, duct or vent shall be permitted that is greater than fifty (50%) percent of the allowable emission in pounds per hour established by Chapters 7 and 8 of the New Jersey Air Pollution Control Code.
  - b. In any other zone, except the industrial zone, the allowable discharge, shall be seventy-five (75%) percent of the allowable emission permitted by the New Jersey Air Pollution Control Code.
  - c. In the industrial zone, the allowable discharge shall be the allowable emission permitted by the New Jersey Air Pollution Control Code.
  - d. No open burning shall be permitted in any zone.
  - e. All incinerators shall be approved by the State Department of Environmental Protection.

- f. Any road, parking area, driveway, truck loading or unloading station, or any other exterior area having a substantial movement of vehicles or equipment shall be paved or otherwise stabilized during construction sufficient to prevent the generation of dust from the movement of such vehicles or equipment.
  3. Odors: In any zone, no odorous material may be emitted into the atmosphere in quantities sufficient to be detected without instruments. Any process, which may involve the creation or emission of any odors, shall be provided with a secondary safeguard system, so that control will be maintained. Table I (Odor Thresholds in Air) in Part 1 (Odor Thresholds for S3 Commercial Chemicals) of "Research on Chemical Odors," copyrighted October, 1963 by the Manufacturing Chemists Association, Inc., Washington, D.C., shall be used as a guide in determining quantities of offensive odors.
- D. Liquid Waste: No liquid waste shall be discharged in any water course or sewage collection and disposal system, except in accordance with plans approved by the Two Rivers Water Reclamation Authority and, where required, by the New Jersey Department of Environmental Protection.
- E. Solid Waste: All uses in the Borough shall:
1. Assume full responsibility for adequate and regular collection and removal of all refuse, except if the municipality assumes the responsibility.
  2. Comply with all applicable provisions of the Air Pollution Control Code.
  3. Comply with all provisions of the State Sanitary Code, Chapter 8, "Refuse Disposal", Public Health Council of the State Department of Environmental Protection.
  4. Permit no accumulation on the property of any solid waste, junk, or other objectional materials.
  5. Not engage in any sanitary landfill operation on the property, except as may be permitted by other Borough Codes and Ordinances.
- F. Radiation: All use of materials, equipment or facilities, which are or may be sources of radiation, shall comply with all controls, standards and requirements of the Atomic Energy Act of 1954, as amended and any codes, rules or regulations promulgated under such act, as well as the Radiation Protection Act, Chapter 116, P.L. 1958, as amended, whichever shall be more stringent.

- G. Fire and Explosion Hazards: If it appears that any proposed use, structure, processor resulting product or material may constitute a fire or explosion hazard, the Planning Board may require the applicant to supply proof of approval of the use, structure, process or resulting product or material from the State Department of Labor and Industry, indicating that adequate safeguards against fire and explosion have been or will be taken or installed.
- H. No activity shall be maintained on the premises, which will produce heat or glare beyond the property line.
- I. No machinery or operation shall be permitted, which shall cause perceptible earth-shaking vibration beyond the property lines of the lot on which the use is located.
- J. Storage of Flammable Material. The storage of all flammable and combustible liquids and gases shall be subject to the following regulations:
1. The storage of fuel oil in above ground tanks of a capacity greater than two hundred seventy-five (275) gallons, or a capacity greater than ten (10) gallons within structures shall be prohibited in residential areas or in connection with residential uses (gallorage shall be determined by water capacity measurement).
  2. The above ground storage of any other flammable liquids or materials in tanks of a capacity greater than five (5) gallons of combustible liquids or materials greater than sixty (60) gallons and all underground storage of any other flammable or combustible liquids or materials, including dispensing equipment, shall be prohibited in residential areas (gallorage shall be determined by water capacity measurement).
  3. The storage of liquefied petroleum gases or other types of bottled gas, supplied or delivered for residential consumption, shall be limited to a tank or tanks with a combined equivalent water capacity of five hundred (500) gallons for each residential dwelling or structure serviced.
  4. All installations of storage tanks for liquefied petroleum gas or other types of bottled gas with a combined equivalent water capacity in excess of one thousand two hundred (1,200) gallons shall comply with the requirements of the Fire Prevention Code, and all installations of storage tanks for liquefied petroleum gas or other types of bottled gas with a combined equivalent water capacity in excess of four thousand (4,000) gallons shall be prohibited in areas not served by a public water main and fire hydrants complying with the requirements of the Fire Prevention Code. The bulk storage, processing or manufacturing of liquefied petroleum gas or other types of bottled gas or facilities therefore shall not be permitted in any residential zone.

5. All installations of flammable or combustible liquids, compressed gases or other hazardous fuels shall comply with the requirements of the Fire Prevention Code and amendments thereto.
- K. Fire Resistant Construction. All new construction and additions shall be fire resistant construction in accordance with the requirements of the State Uniform Construction Code.
- L. Lighting and Illumination. Artificial lighting or illumination provided on any property or by any use shall adhere to the following standards:
  1. The illumination provided by artificial lighting on the property shall not exceed 0.5 foot candles beyond any property line.
  2. Spotlights or other types of artificial lighting, that provides a concentrated beam of light, shall be so directed that the beam of light does not extend beyond any property lines.
  3. Spotlights or other types of artificial lighting used to illuminate signs or building faces shall not emit beams of light that extend beyond the vertical plane of the sign or building face that they illuminate and shall not be located in such a manner as to cause the beams of light to be reflected upon any adjoining property, public street or vehicular circulation area.

#### SECTION-5.24 PROPERTY MAINTENANCE

It shall be the responsibility of every property owner, tenant, developer and applicant to maintain in a safe and orderly condition, all buildings and land in the Borough which they own, use, occupy or have maintenance responsibility for in accordance with the following regulations:

- A. Maintenance of all land uses within the Borough shall include, but is not limited to, the following:
  1. Potholes and other pavement failures within paved parking areas shall be repaired on a regular basis, but in no event shall potholes or pavement failures be left unrepaired for a period in excess of thirty (30) days. If such potholes or pavement failures are hazardous to vehicles, they shall be appropriately barricaded and marked to warn motorists.
  2. Paint striping, traffic control signs and markings, and all other signs and graphics shall be maintained in a condition whereby they can be clearly seen and are legible.
  3. Curbing, other pavement edging and sidewalks shall be maintained free of cracks and holes which would present a hazard to pedestrians or are unsightly.

4. Unpaved or gravel parking and pedestrian areas shall be maintained and regularly regraded in a manner which will keep the area free of holes and other severe grade changes which would be hazardous to vehicular and pedestrian usage.
5. All areas of the site shall be kept free of debris and other materials. All users of shopping carts or similar items shall provide for the regular pickup of such shopping carts or similar items from parking areas and other portions of the site at least once every hour during their business hours. All shopping carts or similar items shall either be stored indoors or in a location adjacent to the building specifically set aside for such-storage during nonbusiness hours. Shopping carts shall be marked with the name of the establishment, title and telephone number of person responsible for maintenance of the shopping carts, and a notice that they are not to be removed from the property on which the business is located. If shopping carts are removed from the property and abandoned, they shall be picked up by the business to which the cart belongs within 24 hours of notice from the Borough. Failure to pick up such shopping carts within 24 hours of notice shall be a violation of this Chapter, subject to the penalties prescribed herein.
6. All plantings and ground cover shall be regularly watered and cut. All dead plant materials shall be removed or replaced (if such plantings are required under this Article, they shall be replaced only). All lawn or other non-paved areas shall be kept trimmed and free from weeds and other noxious growth.
7. Building finishes shall be maintained reasonably free of peeling or cracked paint, rust or other unsightly conditions.
8. All refuse stored outdoors shall be kept within containers having lids, in a manner that the refuse is not visible to pedestrians or persons within vehicles on or off the site. Such containers shall be stored only within side or rear yard areas and shall not be located to interfere with vehicular or pedestrian circulation.
9. All outdoor lighting shall be maintained in a working condition.
10. Any improvements within the Borough Right-of-Way shall require an application and escrow fee in accordance with Section 3-4 for review and approval of the improvements by the Borough Engineer.

B. All land uses for which future development (site plan or subdivision) approval is granted subsequent to the adoption of this Chapter or for which site plan or subdivision approval was previously granted under regulations heretofore in effect, shall be required to maintain all structures and improvements shown on the approved site plan or subdivision in a safe and orderly condition. In addition to the maintenance responsibilities specified in Section 5.24,A above, additional maintenance responsibilities shall include, but are not limited to, the following:

1. All ground cover and plantings within screening and landscaping areas shown on an approved site plan or subdivision shall be regularly maintained. When plant material shown on an approved site plan or subdivision dies, it shall be replaced within the first thirty (30) days of the next planting season.
  2. Where a site plan specified an outdoor refuse storage area, refuse shall only be stored outdoors in such area. Refuse containers located elsewhere on the site shall not be permitted.
- C. Failure of the responsible property owner, tenant, developer and/or applicant to maintain property in accordance with the provisions of this Section shall be in violation of this Chapter subject to the penalties prescribed in Section 3.10 of this Chapter.

#### SECTION -5.25 ABOVE GROUND STORAGE TANKS

Above ground storage tanks not exceeding 275 gallons capacity shall be permitted on single family residential properties provided that:

- A. Above ground storage tanks are located in the rear yard only.
- B. Only one such above ground tank shall be permitted on any single family residential property.
- C. Any such tanks placed in accordance with this section shall be completely screened from view with a fence and/or landscaping.
- D. A plan showing the location and screening shall be approved by the Zoning Officer prior to placement of any above ground tanks.

#### 5.26 DECKS

Except as otherwise specified in this Chapter, decks shall conform to the following regulations as to their locations on the lot.

- A. A deck attached to the principal structure in a residential zone which has a finished floor elevation not exceeding three feet (3') in height as measured from the existing finished grade at the foundation of the principal structure shall meet all requirements as provided in Article X, except the lot area and lot frontage requirements for the zone in which it is located.
- B. All decks shall be constructed with a wooden lattice work or other substantial visual barrier which screens the support structure from view.

5.27 ADDITIONS TO PRINCIPAL BUILDINGS

Except as otherwise specified in this Chapter additions to principle buildings shall conform to the following regulations as to their location on the lot:

- A. All expansions, alterations and additions to principal structures shall comply with the yard and building requirements for the zone in which they are located in accordance with the provision of Article X, except one story additions with an overall height of sixteen feet (16') or less in which all existing and proposed structures are conforming as to set backs, lot coverage, building height, impervious surface and habitable ground floor coverage, may be located within a residential zone without regard for the lot area and/or lot frontage requirements.

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